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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/762,081	02/01/2001	Christian Leo Marie Vermote	CM1883/MH	8459

27752 7590 02/04/2004

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EXAMINER

EINSMANN, MARGARET V

ART UNIT PAPER NUMBER

1751

DATE MAILED: 02/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/762,081

Applicant(s)

VERMOTE, CHRISTIAN LEO
MARIE

Examiner

Margaret Einsmann

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 25 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1,2,13-20,24-28 and 30-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1,2,13-20,24-28,30-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Applicant's amendment filed 11/25/2003 has been entered and applicant's remarks carefully considered. The pending claims are 1,2, 13-20, 24-28, 30-33.

The rejections of the previous action not maintained below have been mooted by applicant's amendment .

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 24 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 24 recites a limitation, 3% to 10% by weight of divalent salt, which is outside of the limitation of the divalent salt claimed in claim 1 upon which it depends. This rejection is maintained from the previous action.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 28, 30-33 are rejected under 35 U.S.C. 102(b) as being anticipated by North, US 4,345,063 or 4,300,898.

Compositions containing 15 parts of a glyoxal containing finishing agent or 15 parts of a formaldehyde-amine containing product were combined with 4.5 parts of a magnesium chloride catalyst (catalyst 531) and applied to cotton. See Table I in col 4 of '063 and example 7 in col 5 of '898. The process is part of a domestic process (note AHL= automatic home launderings). The registry abstract included with the previous action discloses that Catalyst 531 is a combination of citric acid, which is a polycarboxylate, and magnesium chloride. Claim 28 claims a color care composition comprising from about 0.01% to about 50 % by weight of a dye fixing agent selected from the group consisting of polycarboxylates etc and ii) a divalent metal salt. As disclosed in Table I, 4.5 parts of Catalyst 531 reads on that composition since citric acid is a polycarboxylate and magnesium chloride is a divalent metal salt.

Claims 1,2 ,13-20, 24-27 are rejected under 35 U.S.C. 102(b) as being anticipated by North, US 4,300,898.

North treats cotton and cotton blends with resins which are formaldehyde condensation products and also dihydroxyethylene urea derivatives. The compositions contain catalyst 531, which is a combination of citric acid, which is a polycarboxylate, and magnesium chloride. See example 7 in column 5, which also describes the process using a dihydroxyethylene urea derivative as including home laundering, which always includes a rinse step. In example 5, f is an example using 20 parts of a formaldehyde condensate resin and 6 parts of Catalyst 531 which is an activated

magnesium chloride catalyst. Applicant states that the examples use more than 50% dye fixing agent. That is an incorrect reading of the examples. All of the parts listed are applied from an aqueous or aqueous alcoholic solutions. See column 3 lines 1-39 which teaches that the amount of catalyst used is generally 0.01 to 10 % (line 4) and the amount of treating agent is 0.5 to 10 percent. (lines 24-25). Accordingly the amount listed in table 1 is percentage of said catalyst and resin.

The rejection of claims 25, 28-33 35 U.S.C. 102(b) as being anticipated by Danner et al., US 5,873,911 has been mooted by applicant's amendments.

The rejection of claims 1,2,13-15,17,24,25,28, 30 and 33 under 35 U.S.C. 102(b) as being anticipated by Goldstein et al, US 3,049,446 has been mooted by applicant's amendments.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Margaret Einsmann whose telephone number is 571-272-1314. The examiner can normally be reached on 7:00 AM -4:30 PM M-Th and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 571-272-1316. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-0994.



Margaret Einsmann
Primary Examiner
Art Unit 1751

January 27, 2004